

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-24192- APPLICANT: DUAL ALLIANCE LLC dba
RIDER'S - OWNER: THE GARRET GROUP, LLC**

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler Off-sale use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The project is a Special Use Permit request to allow for the operation of a proposed Beer/Wine/Cooler Off-sale establishment within an existing service station convenience store located at 2237 West Charleston Road.

The project conforms to all Special Use Permit requirements of Title 19.04. Staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The Board of City Commissioners approved a Rezoning (Z-0051-64) from R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial for the subject site. The staff had recommended denial. The Planning Commission and staff recommended denial on 08/13/64. This C-1 (Limited Commercial) zoning was adopted by ordinance on 12/07/66.
01/28/65	The Board of Zoning Adjustment approved a request for a Use Permit for the development of a service station on the northern portion of the subject site. A condition of approval at that time required retention of existing vegetation on the southern portion of the site, as a transition to adjacent low-density residential development.
12/12/72	A Special Use Permit (U-0055-64) for a service station was granted administratively by the Planning Department.
08/07/85	The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for SC (Service Commercial) land uses.
04/02/86	The City Council approved a request for a Plot Plan Review to allow a convenience store with gasoline sales on the subject site. The condition requiring retention of the existing vegetation on the southern portion of the site was modified to require landscaping and hedges along the south and east walls of the site. The Planning Commission had recommended approval on 03/13/86.

06/19/02	The City Council adopted the Rancho Charleston Land Use Study. This study recommended the designation of the subject property for O (Office) land uses, which was accomplished through the approval of General Plan Amendment (GPA-0047-01) the same day.
08/18/04	The City Council approved a Site Development Plan Review (SDR-4563) for a proposed 1,200 square-foot car wash/auto detail and 3,325 square-foot service station and companion applications for a General Plan Amendment (GPA-4564) from O (Office) to SC (Service Commercial) and to waive full trail standards for the adjacent trail along Rancho Drive, a Variance (VAR-4696) for insufficient parking, and a Special Use Permit (SUP-4565) for a proposed Car Wash/Auto Detail use on the site. The Planning Commission recommended approval. Staff recommended denial. The Site Development Plan Review (SDR-4563), Variance (VAR-4693) and Special Use Permit (SUP-4565) have expired.
12/21/06	The Planning Commission approved Site Development Plan Review (SDR-18082) for a 4,400 square foot service station with incidental automotive repair, and companion Variance (VAR-18182) for the reduction of the required rear yard setback at 2237 West Charleston Boulevard. Planning staff recommended denial of both requests.
10/11/07	The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #49/ja).
<i>Related Building Permits/Business Licenses</i>	
09/12/07	The Child Care Licensing Board (CCLB) approved a Business License (N16-0062) for the proposed child care center located at 2301 West Charleston Boulevard.
09/04/07	A Business License application (L10-00216) for a Beer/Wine/Cooler Off-sale establishment was denied by Business Services and was determined that a Special Use Permit was required.
<i>Pre-Application Meeting</i>	
08/23/07	A Pre-application meeting was held where Planning staff advised the applicant of the Special Use Permit requirements for the proposed liquor use.
<i>Neighborhood Meeting</i>	
NA	
<i>Field Check</i>	
09/17/07	A site visit was conducted and the project parcel is a developed gas service station with mini-mart adjacent to existing office, commercial, and residential development.

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Service station and convenience store	SC: Service Commercial	C-1 (Limited Commercial)
North	Commercial	UMC: University Medical Center	PD (Planned Development)
South	Office	O: Office	P-R (Professional Office and Parking)
East	Office	O: Office	O (Office)
West	Child Care, Single-family residential	O: Office, L: Low Density Residential	C-D (Designed Commercial), R-1 (Single-family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Rancho Charleston Land Use Study	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

ANALYSIS

The proposed liquor use is subject to the Special Use Permit requirements of Title 19.04 with regard to a minimum 400 foot distance separation from child care centers. A Business License (N16-0062) was approved by the Child Care Licensing Board on September 12, 2007 to allow operation of a preschool located at 2301 West Charleston Boulevard directly west of the project site. However, because this Special Use application was received by the Planning and Development Department on August 24, 2007, a Waiver of the separation requirements is not required.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Beer/Wine/Cooler Off-sale use can be operated to be compatible with existing adjacent residential, commercial, and office uses and future uses as programmed in accordance with the General Plan.

2. “The subject site is physically suitable for the type and intensity of land use proposed.”

The proposed alcohol use will be operated within an existing service station convenience store with existing on-site parking.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

The capacity of existing streets and roads along West Charleston Boulevard and Rancho Drive will be able to accommodate any new traffic associated with the proposed use.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The proposed use will be subject to regular inspection and as such will not result in detrimental effects to human health and public safety.

5. The use meets all of the applicable conditions per Title 19.04.

The use conforms with Title 19.04 Special Use Requirements for Beer/Wine/Cooler Off-sale establishment.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 282 by City Clerk

APPROVALS 2

PROTESTS 3